

## **REMARKS**

Upon entry of this amendment, claims 15-17 will have been amended for consideration by the Examiner. Thus, claims 15-21 currently remain pending. In this regard, Applicants note that the amendments of the pending claims are supported by, for example, the third embodiment and the fifth embodiment of the specification. Applicants note that the amended claims merely clarify the subject matter recited the rejected claims, but do not narrow the scope of the claims. No new matter has been added.

### **I. Claim Rejections under 35 U.S.C. § 103**

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada et al. (U.S. 6,141,483) in view of Yoshii et al. (U.S. 2003/0090711). Claims 16-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Yamada, Yoshi and the Official Notice taken by the Examiner. These rejections are believed clearly inapplicable to claims 15-21 for the following reasons.

Independent claim 15 recites a playback apparatus (having an apparatus region code assigned thereto) for playing back an optical disc having a disc region code assigned thereto. Further, claim 15 recites that the playback apparatus includes (1) a recording medium operable to store predetermined additional data corresponding to the optical disc, wherein the predetermined additional data includes a substitute playback order of the content recorded on the optical disc and includes substitute content replacing a predetermined part of the content. In addition, claim 15 recites that (2) the recording medium is distinct from the optical disc.

Moreover, claim 15 recites that (3) when a judging unit judges that the disc region code does not match the apparatus region code and when a combination of the content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of rights of the content, a playback unit plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content of the stored predetermined additional data corresponding to the optical disc, wherein the predetermined part of the content recorded on the optical disc is replaced by the substitute content based on the substitute playback order. The Yamada and Yoshii references, or any combination thereof, fail to disclose or suggest above-mentioned distinguishing features (1)-(3) as recited in independent claim 15.

Rather, Yamada teaches various reproducing means for reproducing data only from a recording medium when certain conditions are satisfied (see abstract and col. 3, line 50 – col. 4, line 22). Specifically, Yamada teaches that reproduction of the data recorded on the recording medium is performed if (i) a region code of the recording medium matches the apparatus code of the playback apparatus, (ii) a certain amount of time has not expired from the formation of the data on the recording medium, and (iii) a certain condition is satisfied between specific data recorded on the recording medium and specific data set in the playback apparatus (see col. 3, line 50 – col. 4, line 22).

Thus, in view of the above, it is clear that Yamada teaches that reproduction of the data recorded on the recording medium is performed if conditions (i) – (iii) are satisfied, but does not disclose or suggest the recording medium (of the playback apparatus) that is distinct from the

optical disc storing content to the played back and that is operable to store predetermined additional data corresponding to the optical disc, wherein the predetermined additional data includes a substitute playback order of the content recorded on the optical disc and a substitute content for replacing a predetermined part of the content, as required by independent claim 15.

Further, in view of the above-mentioned features that are lacking from Yamada, it is also apparent that Yamada fails to disclose or suggest that when a judging unit judges that the disc region code does not match the apparatus region code and when a combination of a content identifier read by the reading unit and the apparatus region code satisfies a predetermined condition defined by an owner of rights of the content, a playback unit plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content of the stored predetermined additional data corresponding to the optical disc, wherein the predetermined part of the content recorded on the optical disc is replaced by the substitute content based on the substitute play back order, as recited in independent claim 15.

The above-mentioned rejection relies on Yoshii to teaching that which is admittedly lacking from Yamada. Applicants note that Yoshi discloses a distribution system for distributing digital image content. The distribution system distributes the digital content and secondary data, reproduces the digital content and the secondary data, and superimposes the reproduced digital content and the secondary data. The secondary data is prepared using a markup language such that a reproduction start point and a reproduction end point correspond to an image frame-specific code for specifying an image of the digital data (see Fig. 2).

Thus, it is clear that Yoshii merely teaches that the distribution system superimposes the distributed digital content and the distributed secondary data, but fails to disclose or suggest a recording medium that stores predetermined additional data including a substitute playback order of the content recorded on the optical disc and a substitute content replacing a predetermined part of the content recorded on the optical disc, as well as a playback unit that plays back a predetermined package created by replacing the predetermined part of the content recorded on the optical disc with the substitute content stored on the recording medium corresponding to the optical disc (based on the substitute play back order included in the recording medium corresponding to the optical disc), as shown in, for example, Fig. 22 and as recited in claim 15.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 15 and claims 16-21 which depend therefrom would not have been obvious or result from any combination of Yamada, Yoshii and the Official Notice taken by the Examiner. Furthermore, there is no disclosure or suggestion in Yamada and/or Yoshii or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Yamada and/or Yoshii to obtain the invention of independent claim 15. Accordingly, it is respectfully submitted that independent claim 15 and claims 16-21 which depend therefrom are clearly allowable over the prior art of record.

## II. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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